



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 130

**Assembly Substitute
Amendment 1**

Memo published: May 21, 2003

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CURRENT LAW

Current law authorizes a city, village, or town to consolidate with a contiguous city, village, or town. Section 66.0229, Stats. Consolidation requires adoption, by a 2/3 vote of all members of each governing body, of an ordinance establishing the terms of the consolidation and ratification of the consolidation by the electors in a referendum held in each municipality.

If a town is consolidating with a city or village, the consolidation must be submitted, prior to referendum, to circuit court and the Department of Administration (DOA) for a determination whether the consolidation ordinance meets statutory requirements and whether the proposed consolidation meets specified public interest criteria that otherwise apply to incorporations of towns. For the consolidation to proceed, DOA must find the criteria are met.

SUBSTITUTE AMENDMENT 1

Consolidation of a Town With Another Town

The substitute amendment clarifies that contiguous towns may consolidate under the current consolidation statute, s. 66.0229, Stats., without submitting the proposed consolidation to circuit court and DOA. Current law is ambiguous as to whether consolidation of contiguous towns is subject to these requirements. As a result of this change, the new consolidation procedure in the proposal, described below, only applies to consolidation of a town with a city or village.

Consolidation of a Town With City or Village

The substitute amendment provides a new procedure, alternative to the current consolidation procedure in s. 66.0229, for the consolidation of all or part of a town with a contiguous city or village. The new consolidation procedure requires passage of an ordinance by a 2/3 vote of all of the members of

the governing body of each consolidating municipality and ratification by the electors at a referendum held in each municipality.

The authority to consolidate under the new procedure is contingent on meeting requirements relating to governmental services, government buildings, boundary agreements with surrounding municipalities, comprehensive planning, and treatment of any town remnant. These requirements are described below.

Governmental Services

As a condition of consolidating, the town and the city or village must adopt identical resolutions describing the level of services that residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public parks services; public health services; animal control services; library services; fire and emergency rescue services; and law enforcement services. In addition, at least some part of the consolidated city or village must receive sewage disposal services as a condition of consolidation.

Government Buildings

As a condition of consolidating, the town and the city or village must adopt identical resolutions that relate to the ownership or leasing of government buildings.

Boundary Agreements

As a condition of consolidating, the city or village with which the town wishes to consolidate must enter into a separate boundary agreement, subject to approval of the town board for the town to be consolidated, with every city, village, and town that borders the proposed consolidated city or village. The boundary agreement must determine the boundary between the parties to the agreement. The agreement must state the agreement's term and include procedures under which the agreement may be amended.

Comprehensive Plan

As a condition of consolidating, the town and the city or village must agree to adopt a comprehensive plan (under s. 66.1001, Stats.) for the consolidated city or village, to take effect on the effective date of the consolidation.

Additional Requirement if Less Than Entire Town Consolidated

If less than an entire town consolidates with a city or village, the consolidation may not take effect unless the town enters into an agreement with a city, village, or town that has a common boundary with the territory of the town not consolidated under which the town remnant becomes part of the city, village, or town with the common boundary. If the town remnant becomes part of a city or village, the remnant agreement must be included in each boundary agreement required under the draft and entered into by a city, village, or town bordering the remnant.

CHANGES MADE BY SUBSTITUTE AMENDMENT TO ORIGINAL BILL

In general terms, the substitute amendment revises the original bill in the following ways:

1. Treating town-to-town consolidations under the current consolidation procedure and clarifying that these consolidations need not be submitted to circuit court and the DOA. In the original bill, the new procedure for consolidation applies both to town-to-town consolidations and to consolidations of towns with cities or villages.
2. Providing that before a consolidation under the new, alternative procedure may take place, the level of certain governmental services that residents of the proposed consolidated city or village will receive, or have access to, must be described in identical resolutions but, need not, as in the original bill, be part of an intergovernmental cooperation agreement providing town residents with, or access to, the specified services.
3. Requiring as a condition of consolidation under the new procedure that at least some part of the consolidated city or village receive sewage disposal services. In the original bill, sewage disposal services were required to be part of the intergovernmental cooperation agreement providing town residents with, or access to, certain services.
4. Requiring as a condition of consolidation that identical resolutions be adopted relating to ownership or leasing of government buildings. In the original bill, the town must be a party to an intergovernmental agreement relating to ownership or leasing of government buildings.
5. Making clarifications to more accurately reflect intent.

LEGISLATIVE ACTION

Assembly Substitute Amendment 1 was introduced by the Assembly Committee on Urban and Local Affairs. The committee recommended adoption of the amendment and passage of the bill, as amended, by a vote of Ayes, 6; Noes, 0, on May 20, 2003.

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